

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1217 OF 2016

Raju Baburao Manjarekar .. Applicant
Versus
The State of Maharashtra .. Respondent

Mr.Chaitanya K. Pendse i/b Mr.R.B. Munekar, Advocate for the applicant.

Mr.S.H.Yadav, APP for the Respondent State.

PSI Survase K.R. From Khar Police Station (West) present.

CORAM : PN. DESHMUKH, J

DATED : 5th AUGUST 2016

P.C. :

1 This application is filed by applicant apprehending his arrest in Crime No.274 of 2016 registered with Khar Police Station, Mumbai for the offences under Section 420, 506 r/w Section 34 of the IPC.

2 Heard learned counsel for both the sides.

3 It is submitted on behalf of applicant that from the entire FIR, there is no role attributed to applicant who can said to be instrumental along with co-accused Nos.1 and 2 in commission of present crime, to cheat complainant as the only role which is attributed to applicant is that of his introducing co-accused to complainant who wanted to purchase a flat. According to applicant, he introduced complainant to co-accused Seema Buga

and Narendra Buga as he was knowing them as Developer, as applicant is also working in some Real Estate firm, however, was at no point of time, aware of their construction activities whatsoever in details.

4 Learned APP, on the other hand, has submitted that applicant intentionally introduced complainant to co-accused, and all of them on conspiring together, cheated the complainant by not providing her flat inspite of her paying amount to the extent of Rs.5 lakhs as a token amount to applicant. On obtaining instructions from the Investigating Officer, learned APP has made a statement that in addition to present crime, there are four more crimes registered against co-accused who are husband and wife in this crime, and as such, application is prayed to be rejected.

4 On perusal of FIR, it reveals that applicant is in business of Real Estate working with some firm, was knowing co-accused being in the same profession and in December 2014, introduced complainant to the co-accused Seema Buga and her husband Narendra Buga, builders in Khar Danda area. Upon that introduction, complainant informed them that she wanted to purchase a flat in Khar Danda area and as recommended by co-accused, approved one premises in Jai Malhar building in Khar West which was partly constructed and agreed to purchase the same flat admeasuring about 300 sq.ft for Rs.24,00,000/- (Rupees Twenty four lakhs) and paid token amount of Rs.5,00,000/- (Rupees Five lakhs), agreeing to pay balance amount within six months on getting possession.

5 It further reveals that in June 2015, though possession was not handed over, complainant inquired with co-accused about the same when she was informed that for some reason, construction was stopped and was informed to purchase some other flat from the construction sites in progress in the same area, and was also assured by complainant that till she is provided with her newly opted premises, co-accused would bear rent in respect of room she was in occupation till she is put in possession of her own flat. However, co-accused did not make any such payment inspite of complainant's requesting for the same and thereafter, on inquiry from persons in the location, learnt that co-accused were in no way concerned with construction of Jai Malhar building at Khar Danda. It further reveals that co-accused thereafter informed complainant that she may select a flat from some other sites situate at Panvel and Khopoli. However, she was not interested in that area, and thus, wanted paid by her to be refunded, which was refused to be returned back by co-accused as well as by applicant who is stated to have informed complainant by making repeated phone calls to forget the amount.

5 Though it is the case of applicant that except for his introducing complainant to co-accused Seema Buga and Narendra Buga, he has not played any other role in the present crime. The submissions advanced, as such, does not appear to be convincing for the reason that applicant admittedly is also in the same profession working with some other real estate firm and is from the same locality where co-accused are also having their construction business.

6 In that view of the matter, though applicant appears to have introduced complainant to co-accused at this stage of investigation, that by itself is significant to establish his involvement in the crime more particularly when a statement is also made by Investigating Officer that apart from present crime, similar crimes are also registered against applicant and co-accused Seema and Narendra.

7 In that view of the matter, no case is made out for grant of Anticipatory Bail.

8 Application is rejected.

(PN. DESHMUKH, J)